

SENATE JOURNAL.

FIRST DAY.

25

Senate Chamber,
Austin, Tex., Tuesday, Jan. 13, 1903.

In accordance with the laws of the State of Texas, the Senate of the Twenty-eighth Legislature met in the Senate chamber in the capitol in the city of Austin at 12 m., January 13, 1903, and was called to order by Lieutenant-Governor J. N. Browning.

Prayer by Rev. W. D. Bradfield, of Austin.

The chair then announced the appointment of the following temporary officers:

Clyde D. Smith, of Wichita county, Secretary; R. M. Gilmore, of Van Zandt county, Journal Clerk; Amos Wynne, of Hunt county, Assistant Journal Clerk; Clem H. Allen, of Travis county, Sergeant-at-arms.

The chair then announced that the certificates of election of the senators were on the Secretary's table, and ordered the roll called. The following senators answered to their names:

J. T. Beaty, of Jasper county, representing District No. 14, composed of the counties of Nacogdoches, San Augustine, Sabine, Newton, Jasper, Tyler, Liberty, Hardin, Orange and Jefferson.

Chas. L. Brachfield, of Rusk county, representing District No. 8, composed of the counties of Harrison, Rusk, Pahaola, Shelby and Gregg.

T. M. Cain, of Rains county, representing District No. 5, composed of the counties of Collin, Hunt and Rains.

A. B. Davidson, of DeWitt county, representing District No. 22, composed of the counties of Jackson, Calhoun, Victoria, DeWitt, Goliad, Refugio, Bee, Live Oak, Karnes, Wilson, Frio, Aransas and Atascosa.

R. V. Davidson, of Galveston county, representing District No. 17, composed of the counties of Chambers, Galveston, Brazoria, Matagorda and Wharton.

D. E. Decker, of Hardeman county, representing District No. 29, composed of the counties of Jack, Young, Throckmorton, Clay, Archer, Wichita, Wilbarger, Baylor, Knox, Foard, Hardeman, King, Dickens, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Lubbock, Hockley,

Cochran, Crosby, Childress, Hall, Briscoe, Swisher, Castro, Parmer, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Wheeler, Gray, Carson, Potter, Oldham, Hartley, Moore, Hutchinson, Roberts, Hemphill, Lipscomb, Ochiltree, Hansford, Sherman and Dallam.

A. M. Douglas, of Hill county, representing District No. 10, composed of the counties of Ellis, Johnson and Hill.

J. H. Faubion, of Williamson county, representing District No. 20, composed of the counties of Williamson, Travis, Burnet and Lampasas.

J. J. Faulk, of Henderson county, representing District No. 9, composed of the counties of Navarro, Henderson and Kaufman.

Joseph Faust of Comal county, representing District No. 21, composed of the counties of Gonzales, Caldwell, Guadalupe, Comal, Hays and Blanco.

J. M. Hale, of Burleson county, representing District No. 19, composed of the counties of Washington, Burleson, Lee and Bastrop.

W. A. Hanger, of Tarrant county, representing District No. 30, composed of the counties of Tarrant, Parker, Hood and Somervell.

J. L. Harbison, of Grayson county, representing District No. 4, composed of the counties of Grayson and Cooke.

A. J. Harper, of Limestone county, representing District No. 12, composed of the counties of Limestone, Freestone, Robertson and Brazos.

Travis Henderson, of Lamar county, representing District No. 3, composed of the counties of Lamar and Fannin.

Marshall Hicks, of Bexar county, representing District No. 24, composed of the counties of Bexar, Bandera, Kendall, Kerr and Gillespie.

J. W. Hill, of Tom Green county, representing District No. 25, composed of the counties of Kimble, Menard, Schleicher, Sutton, Tom Green, Coke, Sterling, Irion, Pecos, Brewster, Presidio, Jeff Davis, El Paso, Val Verde, Edwards, Kinney, Uvalde, Medina, Zavala, Reeves, Maverick and Mason.

A. G. Lipscomb, of Waller county, representing District No. 16, composed of the counties of Harris, Fort Bend and Waller.

R. W. Martin, of Coryell county, representing District No. 27, composed of the counties of Bell, Coryell, Hamilton and Bosque.

W. C. McKamy, of Dallas county, representing District No. 6, composed of the counties of Dallas and Rockwall.

Seth P. Mills, of McLennan county, representing District No. 11, composed of the counties of McLennan, Falls and Milam.

A. W. Morris, of Montgomery county, representing District No. 15, composed of the counties of Leon, Madison, Grimes, Montgomery, Walker, San Jacinto and Polk.

Jas. Patteson, of Delta county, representing District No. 2, composed of the counties of Red River, Titus, Franklin, Hopkins and Delta.

D. A. Paulus, of Lavaca county, representing District No. 18, composed of the counties of Colorado, Lavaca, Fayette and Austin.

Jas. I. Perkins, of Cherokee county, representing District No. 13, composed of the counties of Anderson, Cherokee, Houston, Angelina and Trinity.

G. W. Savage, of Montague county, representing District No. 31, composed of the counties of Denton, Wise and Montague.

W. P. Sebastian, of Stephens county, representing District No. 28, composed of the counties of Palo Pinto, Stephens, Eastland, Callahan, Taylor, Nolan, Mitchell, Howard, Martin, Andrews, Glasscock, Midland, Ector, Winkler, Loving, Ward, Crane, Upton, Gains, Yoakum, Terry, Lynn, Dawson, Borden, Garza, Kent, Scurry, Fisher, Stonewall, Haskell, Jones and Shackelford.

R. N. Stafford, of Wood county, representing district No. 7, composed of the counties of Van Zandt, Wood, Smith, Upshur and Camp.

John Willacy, of San Patricio county, representing District No. 23, composed of the counties of Cameron, Hidalgo, Starr, Zapata, Nueces, San Patricio, La Salle, McMullen and Dimmit.

J. R. Wilson, of Bowie county, representing District No. 1, composed of the counties of Bowie, Cass, Marion and Morris.

ABSENT.

Senator Arch Grinnan, of Brown county, representing District No. 26, composed of the counties of Erath, Comanche, Mills, San Saba, McCulloch, Concho, Runnels, Coleman, Brown and Llano.

The senators-elect appearing en masse before the Secretary's stand were administered the oath of office by the president.

The chair announced a quorum present and stated that appointments to positions to be made by the chair would be made in accord with suggestions made by Lieutenant Governor-elect Geo. D. Neal.

Senator Stafford offered the following resolution:

Resolved, First, That the officers and employes hereinafter designated are essential to the proper service of the Senate and shall be appointed and elected and receive compensation as hereinafter provided, and shall continue until discharged by the same authority which elects or appoints them in the respective offices or employments to which they shall be elected or appointed.

Second. The Senate by ballot shall elect the following officers, namely: Secretary, Assistant Secretary, Sergeant-at-Arms, Assistant Sergeant-at-Arms, Journal Clerk, Assistant Journal Clerk, Calendar Clerk, Enrolling Clerk, Assistant Enrolling Clerk, Engrossing Clerk and Assistant Engrossing Clerk, Doorkeeper and Assistant Doorkeeper, Chaplain and seven committee clerks, each of whom shall be stenographers and typewriters, and who shall serve all committees and Senators when required, and the committee clerks shall be apportioned to the various committees by the President of the Senate. Each of said officers and employes shall receive as compensation for their services the sum of five dollars per day.

Third. The President of the Senate shall appoint the following officers and employes of the Senate, namely, a Postmaster, who shall receive the sum of five dollars per day, and Assistant Postmaster who shall receive four dollars per day, a private secretary who shall receive five dollars per day, two general committee clerks who shall receive five dollars per day, five pages who shall receive two dollars per day, and six porters who shall receive two dollars per day.

Fourth. The Sergeant-at-Arms shall appoint a clerk who shall keep his accounts, who shall receive three dollars per day.

Fifth. In presenting the names of the candidates for the various places to be filled by election the Senator presenting a candidate shall write the name and residence of the candidate, together with his own name on a slip of paper and send the same to the Secretary to be read and nominating and seconding speeches shall be dispensed with.

Sixth. Resolved, That the Senate do now proceed to elect by ballot the officers which by this resolution it is required to elect.

Resolution was read second time, and Senator Henderson offered the following substitute for the resolution:

Resolved, That the Senate do now proceed to organization by the election of the following officers, viz.: Secretary, Assistant Secretary, Journal Clerk, Enrolling Clerk, Engrossing Clerk, Calendar Clerk, Sergeant-at-Arms, Assistant Sergeant-at-Arms, Doorkeeper, Chaplain and President pro tem.

Resolved, second, That the President of the Senate shall appoint a Postmaster, three porters and four pages.

Resolved, third, That all of said officers except the President pro tem. and the porters and the pages shall be paid the sum of five dollars each per day, and that the porters and pages shall be paid the sum of two dollars per day.

Senator Hanger moved to table the substitute.

Carried by the following vote:

Yeas—29.

| | |
|-------------|------------|
| Beaty. | Hicks. |
| Brachfield. | Hill. |
| Cain. | Lipscomb. |
| Davidson of | Martin. |
| DeWitt. | McKamy. |
| Davidson of | Mills. |
| Galveston. | Morris. |
| Decker. | Patteson. |
| Douglass. | Paulus. |
| Faubion. | Perkins. |
| Faulk. | Savage. |
| Faust. | Sebastian. |
| Hale. | Stafford. |
| Hanger. | Willacy. |
| Harbison. | Wilson. |
| Harper. | |

Nays—1.

Henderson.

Absent.

Grinnan.

Senator Mills then offered the following amendment to the resolution:

"Strike out the words 'stenographer and typewriter.'"

Lost.

The vote then being taken on original resolution, it was declared adopted.

Nominations for Secretary being in order, Clyde D. Smith, of Wichita county, was nominated by Senator Decker, of Hardeman county.

Senator Faubion, of Williamson county, nominated Otto D. H. Pfeuffer, of Williamson county.

The Chair appointed Senators Sebastian, Davidson of Galveston, Brachfield and Harbison as tellers.

Mr. Smith received 25 votes and Mr. Pfeuffer received 5.

Mr. Smith having received a majority of all the votes cast was declared duly

and constitutionally elected and immediately took the oath of office, administered by Lieutenant-Governor Browning.

Nominations for Assistant Secretary being in order, the following nominations were made:

W. M. Ellis, of Cherokee county, by Senator Perkins.

W. E. DeLamar, of Rusk county, by Senator Brachfield.

The ballot resulted as follows:

Mr. Ellis received 6 votes.

Mr. DeLamar received 22 votes.

Mr. DeLamar having received a majority of all votes cast was declared duly and constitutionally elected.

Nominations for Journal Clerk being in order, Senator Stafford nominated R. M. Gilmore, of Van Zandt county.

Mr. Gilmore received 29 votes and was declared duly and constitutionally elected.

Nominations for Assistant Journal Clerk being in order, Senator Cain placed in nomination Amos Wynne, of Hunt county.

Mr. Wynne received 28 votes and was declared duly and constitutionally elected.

The Assistant Secretary, Journal Clerk and Assistant Journal Clerk appeared before the President and took the oath of office, administered by Lieutenant-Governor Browning.

Senator Perkins moved to take a recess till 2:30 o'clock.

Carried.

AFTER RECESS.

Nominations being in order for Calendar Clerk, Senator Savage put in nomination Will M. Cobb, of Montague county.

The Chair appointed Senator Paulus as teller in place of Senator Harbison, who was absent at the time.

Mr. Cobb having received 26 votes, he was declared duly and constitutionally elected.

Nominations being in order for Enrolling Clerk, the following were nominated:

Senator Dougless nominated Eldred McKinnon, of Hill county.

Senator Paulus nominated Ben F. Smith, of Williamson county.

The ballot resulted as follows:

Mr. McKinnon received 24 votes.

Mr. Smith received 4 votes.

Mr. McKinnon having received a majority of all the votes cast was declared duly and constitutionally elected.

Nominations for Assistant Enrolling Clerk being in order, Senator Stafford nominated Mrs. Laura V. Grinnan, of Smith county.

Mrs. Grinnan having received 28 votes,

she was declared duly and constitutionally elected.

Nominations being in order for Engrossing Clerk, Senator Martin nominated Frank P. Smith, of Cooke county.

Mr. Smith having received 27 votes, he was declared duly and constitutionally elected.

Nominations for Assistant Engrossing Clerk being in order, Senator Beaty nominated Miss Lucy Lane, of Travis county.

Miss Lane having received 30 votes, she was declared duly and constitutionally elected.

Nominations for Sergeant-at-Arms being in order, the following nominations were made:

Senator Hill nominated C. H. Allen, of Fayette county.

Senator Mills nominated B. V. Arnold, of Milam county.

The election resulted as follows:

Mr. Allen received 24 votes.

Mr. Arnold received 6 votes.

Mr. Allen having received a majority of all the votes cast, he was declared duly and constitutionally elected.

Nominations being in order for Assistant Sergeant-at-Arms, Senator Harper nominated D. F. Hughes, of Limestone county.

Mr. Hughes having received 28 votes, he was declared duly and constitutionally elected.

Nominations being in order for Doorkeeper, the following were placed in nomination:

Senator Hanger nominated Frank Mullins, of Tarrant county.

Senator Brachfield nominated J. A. M. Kile, of Shelby county.

The election resulted as follows:

Mr. Mullins received 21 votes.

Mr. Kile received 7 votes.

Mr. Mullins having received a majority of all votes cast, he was declared duly and constitutionally elected.

Nominations for Assistant Doorkeeper being in order, Senator Morris placed in nomination C. J. Kirk, of Grimes county.

Mr. Kirk having received 28 votes, he was declared duly and constitutionally elected.

Nominations being in order for Chaplain the following were placed in nomination:

Rev. I. S. Davenport, of Williamson county, was nominated by Senator Davidson of DeWitt.

Rev. H. M. Sears, of Travis county, was nominated by Senator Faulk.

The election resulted as follows:

Rev. I. S. Davenport received 22 votes.

Rev. H. M. Sears received 7 votes.

Rev. Davenport having received a majority of all the votes cast, he was declared duly and constitutionally elected.

Nominations being in order for committee clerks, the following nominations were made:

Miss Georgia Sturgess, of Travis county, by Senator Lipscomb.

Mrs. Hattie Yarbrough, of Bowie county, by Senator Wilson.

Mrs. Hope Hawkins, of Tarrant county, by Senator Paulus.

Miss Emily Holcomb, of Travis county, by Senator Davidson of Galveston.

Mrs. M. M. Jouvenant, of Grayson county, by Senator Harbison.

Miss Bessie Goldstein, of Williamson county, by Senator Faubion.

Mrs. J. R. Van Orden, of Washington county, by Senator Hale.

Mr. S. H. Horne, of Collin county, by Senator Cain.

Mr. W. T. Pace, of Dallas county, by Senator McKamy.

Mr. Crockett Sparks, of Bell county, by Senator Martin.

Mr. T. P. Price, of McLennan county, by Senator Mills.

The ballott resulted as follows:

Miss Sturgess received 26 votes.

Mrs. Yarbrough received 29 votes.

Mrs. Hawkins received 26 votes.

Miss Holcomb received 23 votes.

Mrs. Jouvenant received 7 votes.

Miss Goldstein received 19 votes.

Mrs. Van Orden received 22 votes.

Mr. Horne received 3 votes.

Mr. Crockett received 9 votes.

Mr. Price received 5 votes.

Mr. Pace received 24 votes.

Miss Sturgess, Mrs. Yarbrough, Mrs. Hawkins, Miss Holcomb, Miss Goldstein, Mrs. Van Orden and Mr. Pace each having received a majority of all votes cast were declared duly and constitutionally elected.

SIMPLE RESOLUTION.

Senator Sebastian offered the following resolution:

Resolved, That the Senate do now proceed to select seats for the session, selections to be made as follows:

The Secretary shall place the names of all Senators on separate pieces of paper, place them in a hat, mix them up well, and draw them therefrom one at a time, and as the names are drawn the respective Senators shall select their seats. Before the drawing begins the Senate shall retire behind the bar.

Read second time and adopted.

The officers of the Senate, except the Secretary, Assistant Secretary, Journal Clerk and Assistant Journal Clerk, then appeared *en masse* before the President's stand and were administered the oath of office by him.

Senator Hanger introduced the following resolution:

Resolved, That the Rules of the Twenty-seventh Senate be adopted and be in force until changed by the Senate.

Read second time and adopted.

PRESIDENT PRO TEM.

The chair announced that the next order of business was the election of a president pro tem.

Senator Hanger then moved that the Senate immediately go into the election of a president pro tem.

Carried.

Senator Davidson, of DeWitt county, was placed in nomination by Senator Hanger.

Senator Savage seconded the nomination.

Senators Wilson, Henderson and Cain were appointed tellers by the President.

Senator Davidson was declared elected.

The President appointed Senators Hanger and Savage to escort President Pro Tem Davidson to the chair, who, in a few happy remarks, thanked the Senators for the honor conferred.

SIMPLE RESOLUTIONS.

By Senator Douglas:

Resolved, That the Sergeant-at-Arms be instructed to furnish each Senator with a copy of the rules of the Twenty-seventh Senate; provided, the same can be secured without cost.

Read second time and adopted.

By Senator Savage:

Resolved, That two committees of three Senators each be appointed by the President to notify the Governor and House of Representatives that the Senate is organized and ready for business.

Read second time, and

On motion of Senator Savage was laid on the table subject to call.

By Senator Hanger:

Resolved, That Thursday, the 22nd day of January, 1903, after the morning call be set aside as a time for the members of the Senate to determine by lot the length of their term in accordance with the constitutional provision concerning the same, and that the same shall be determined by lot as follows:

Thirty-one slips of paper, of uniform size and color, shall be placed in a hat, on fifteen of which shall be written "two years" and on sixteen of which shall be written "four years," and thirty-one slips of paper, of uniform size and color, shall be placed in another hat, on each of which shall be written the name of a Senator, all of said slips being well mixed. The Sergeant-at-Arms shall

draw a name from one hat and at the same time the Secretary of the Senate shall draw a slip specifying the term from the other hat, and the name and the term so drawn shall be read and recorded, and the terms shall be thereby determined and fixed. All of which shall be done at the Secretary's desk, the Senators and all officers and employees retiring behind the bar.

Read second time and adopted.

By Senator McKamy:

Resolved, That the Sergeant-at-Arms be instructed to rent seven typewriters for the use of the seven committee clerks elected today.

Read second time and adopted.

ADJOURNMENT.

On motion of Senator Savage the Senate, at 4:45 p. m. adjourned until 10 o'clock a. m. tomorrow.

SECOND DAY.

Senate Chamber,
Austin, Tex., Wednesday, Jan. 14, 1903.

Senate met pursuant to adjournment. Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

| | |
|-------------|------------|
| Beaty. | Henderson. |
| Brachfield. | Hicks. |
| Cain. | Hill. |
| Davidson of | Lipscomb. |
| DeWitt. | McKamy. |
| Davidson of | Mills. |
| Galveston. | Morris. |
| Decker. | Patteson. |
| Douglass. | Paulus. |
| Faubion. | Perkins. |
| Faulk. | Savage. |
| Faust. | Sebastian. |
| Hale. | Stafford. |
| Hanger. | Willacy. |
| Harbison. | Wilson. |
| Harper. | |

Absent.

Grinnan.

Martin.

Prayer by Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday,

On motion of Senator Savage, the same was dispensed with.

RESOLUTIONS.

By Senator McKamy:

Resolved, That Will Bartley, of Dallas county, be appointed as special